

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA

AFFIDAVIT IN SUPPORT OF A CRIMINAL COMPLAINT

I, Daniel M. Casetta, being fully duly sworn, hereby depose and state as follows:

INTRODUCTION AND AGENT BACKGROUND

1. I am a Special Agent with the Department of Homeland Security (HSI) assigned to the HSI Grand Forks, North Dakota, office. I have been so employed with HSI since June 2018. Prior to my employment with HSI, I was employed as a Police Officer with the Grand Forks Police Department in Grand Forks, ND. I have conducted investigations of criminal activity including, but not limited to, narcotics, child exploitation, property crimes, physical assaults, sexual assaults, and murder.
2. This affidavit is submitted in support of a Criminal Complaint charging Nicholas DEROSIER with a violation of Title 18 U.S.C. §§ 2252A(a)(5)(B) (Possession of Child Pornography); 2252(a)(2) (Receipt and Distribution of Child Pornography); and 2423(b) (Travel With Intent to Engage in Illicit Sexual Conduct).
3. Title 18 U.S.C. § 2252A(a)(5)(B) criminalizes knowingly possessing material that contains child pornography that has been transported using any means or facility of interstate commerce or in or affecting interstate commerce by any means, including by computer, or that was produced using materials that were shipped or transported in interstate or foreign commerce. Title 18 U.S.C. § 2252A(a)(2) criminalizes knowingly receiving or distributing any child pornography using any means or facility of interstate commerce or that has been transported in interstate and foreign commerce by any means, including by computer. Title 18 U.S.C. § 2423(b) criminalizes traveling in interstate

commerce with a motivating purpose of engaging in any illicit sexual conduct, as that term is defined in § 2423(f), with another person.

4. The information in this affidavit is based on personal knowledge and information, the review of investigative reports prepared by me and other investigators, and information obtained by other law enforcement officers and individuals. The information in this affidavit is provided for the limited purpose of establishing probable cause for a criminal complaint. As this affidavit is being submitted for the limited purpose of securing a Criminal Complaint, I have not included every fact known concerning this investigation. The information is provided in substance and in part.

FACTS ESTABLISHING PROBABLE CAUSE

5. In December 2019, the Grand Forks Police Department began investigating Team Lawn's business practices. Team Lawn is a landscaping business that is owned by DEROSIER that provides the following services: construction of patios, the installment of underground sprinkler systems, and lawn care services, among other services. Customers of Team Lawn alleged DEROSIER defrauded them and on October 15, 2019, the Grand Forks District Court issued an Order prohibiting DEROSIER from doing business in the State of North Dakota. Despite the Order, the GRPD's investigation revealed that DEROSIER continued operating his landscaping business, albeit under a different name.

6. On September 14, 2020, GFPD Detective (Det.) Buzzo obtained a North Dakota State Search Warrant to search DEROSIER's residence located at 412 5th Ave S., Grand Forks, North Dakota, to search for evidence of Violation of a Judicial Order and Contractors License Required and Construction Fraud. On September 15, 2020, the

GFPD and HSI Grand Forks executed the search warrant at DEROSIER's residence and business location of Team Lawn in Grand Forks, North Dakota. Specifically, the search warrant alleged DEROSIER continued to conduct business through Team Lawn after a court order was issued prohibiting DEROSIER from doing business in the State of North Dakota.

7. During the execution of the search warrant at DEROSIER's residence, I recovered the following electronic media storage devices in a safe located in DEROSIER's bedroom: a Seagate 2TB external hard drive, a 2GB Lexar thumb drive, a Samsung HDD 500 GB, two Samsung Tracfone, and an HTC cellular phone. GFPD Det. Jennifer Freeman recovered the following electronic devices on a desk in DEROSIER's living room: a Dell Inspiron 3656 computer with a 16GB external hard drive, a Samsung Galaxy cellular phone, an external thumb drive, and an Apple MacBook. GFPD Sergeant Rory Suby recovered an HP Laptop Model 17 in DEROSIER's bedroom. GFPD Det. Darin Johnson recovered a black Android cellular phone on DEROSIER's person.

8. On September 15, 2020, Det. Freeman of the GFPD conducted a search of a 2GB Lexar thumb drive located in DEROSIER's bedroom. During a preliminary search of this device, Det. Freeman located files containing child pornography that were located in a folder entitled "Mega." After Det. Freeman made this discovery, she stopped the search of all media storage devices and applied for a second North Dakota state search warrant.

9. On September 16, 2020, Det. Freeman applied for a North Dakota state search warrant to search the electronic items in this case for evidence of child pornography and exploitation. Det. Freeman analyzed several storage devices during which she recovered

thousands of child pornographic files. Det. Freeman was unable to conduct a forensic examination of the HTC found in a safe in DEROSIER's bedroom because it was inoperable. Nor was she able to conduct a forensic examination of the Android cellular phone found on DEROSIER'S person because it was password protected.

10. All of the electronic devices seized from DEROSIER's residence were eventually provided to North Dakota Bureau of Criminal Investigations SA Jesse Smith. SA Smith is a forensic examiner who has experience conducting complex forensic examinations of various electronic devices in child exploitation cases. The forensic examination of the media revealed the following:

A. The HP laptop contained 72 video files and 737 image files of child pornography. One such video file depicts an adult male performing fellatio on a prepubescent boy between the ages of 8-10 years. In addition, the HP Laptop contained 26 image files depicting DEROSIER'S nephews. Some of these images depict DEROSIER'S nephews naked in a locker room and in the bathtub of his residence. I participated in the execution of the search warrant at DEROSIER'S residence and therefore I am familiar with the bathroom. Finally, the HP laptop revealed that the user of this HP laptop accessed multiple accounts and documents relative to the Team Lawn business.

B. The 2GB Lexar thumb drive contained nine video files and 51 image files of child pornography. One such video depicts an adult male sodomizing a prepubescent male between the ages of 8-12 years.

C. The Dell Inspiron 3656 computer contained one video file and two image files of child pornography and the external thumb drive connected to the Dell Inspiron

contained 593 video files and 1,410 image files of child pornography. One such video file recovered from the thumb drive depicts an adult male performing fellatio on a prepubescent boy between the ages of 4-7 years. The following email addresses and phone numbers associated with the Dell Inspiron include the following: 218-399-2222; Derosiercon@gmail.com; hungfunstud263@gmail.com; hungfunstud@gmail.com; teamlawn@gmail.com; gardenpatio@gmail.com; derosieroutdoorco@gmail.com; derosierco@hotmail.com; and derosierbuilders@gmail.com. The 218-399-2222 number is assigned to the Android cell phone seized from DEROSIER'S person.

D. The Seagate 2TB external hard drive contained 91 image files and 1,171 video files of child pornography. One such video depicts an adult male sodomizing a prepubescent boy between the ages of 10-12 years.

E. The Samsung HDD 500 GB contained three image files of child pornography. One such image depicts a boy between the ages of 12-15 years holding his penis.

F. The Samsung Galaxy S6 cellular phone contained several images of DEROSIER's nephews. A series of images depict a prepubescent boy lying naked in a bathtub. The metadata of these images reflect that they were taken with a device that matches the same make and model of the Samsung Galaxy S6 cellular phone. The metadata of these images reflect that they were taken with a device that matches the same make and model of the Samsung Galaxy S6. In addition, SMS conversations between DEROSIER and others were recovered from this device. During these conversations, DEROSIER discusses engaging in sexual activity with young boys.

11. Because SA Smith was not able to unlock the Android phone seized from DEROSIER's person on September 15, 2020, he sent it to Cellbrite, Inc. Cellbrite is a company that specializes in the forensic examination of cell phones. On October 14, 2021, Cellbrite Advanced Services notified SA Smith it successfully unlocked the cellular phone. On October 19, 2021, SA Smith received the extraction of the Android cellphone from Cellbrite. SA Smith recovered 2,623 files of child pornography from the Android phone. One such file depicts an adult male sodomizing a boy between the ages of 12-15 years. SA Smith determined that this video file was exchanged with another user via the Telegram application.

12. SA Smith located several conversations between the user of the Android device and others wherein the user of this device reveals that he is sexually abusing his nephews. For instance, utilizing username "Ryan J," the user of the Android device engaged in a conversation with "Perv Taboo" via the Telegram application on September 12, 2019. Below is a portion of their conversation:

Ryan J (owner of the device): Love young boys and love incest

Perv Taboo: How yng?

Ryan J: Hairless bro

Ryan J: Fav age is 7-13

Perv Taboo: Single digits here

Ryan J: Def have experience here

Ryan J: My nephews are 6 and 9

Ryan J: Buds son 8, and buds lil bro 9

Perv Taboo: I babysit some under 6

Perv Taboo: When'd you have it last.

Ryan J: 2 weeks ago

Ryan J: Me (the user of the device sent an image of Nicholas DEROSIER to Perv Taboo).

13. SA Smith believes that the user of the device, "Ryan J," and Perv Taboo exchanged several images of child pornography during their conversation. Specifically, during Ryan J and Perv Taboo's conversation images of child pornography were created on the device. One such image created on the Android device during the above-mentioned conversation on September 12, 2019, depicts two prepubescent boys between the ages of 7-10 years. In this image, one boy is seen performing fellatio on the other boy.

14. SA Smith also discovered a SMS text conversation between the user of the device (218-399-2222) and John PV (763-923-8331). Below is a portion of their SMS conversation from July 27, 2018:

218-399-2222: Hey John, Nick here

763-923-8331 (John JV): Hey!

763-923-8331 (John JV): So those pics?

218-399-2222: Oh yeah definitely babe. So def sounds like you like young

763-923-8331 (John JV): Lol you do too

218-399-2222: Oh definitely

763-923-8331 (John JV): Oh the two brothers lol

218-399-2222: Exactly.

763-923-8331 (John JV): He's cute

763-923-8331 (John JV): What all have done with them?

218-399-2222: Almost everything.

763-923-8331 (John JV): Such as?

218-399-2222: Lots of sucking and them swallowing. Had tip in him and balls deep in his bro.

218-399-2222: Yeah I have a few nudes

218-399-2222: Oh yeah. They both love having fun too

218-399-2222: Lil bro loves to suck and big bro loves taking cock

763-923-8331 (John JV): Can I see their nudes?!

218-399-2222: Yeah you have a couple pics?

15. SA Smith discovered that many of the devices were used to access Mega.nz accounts. I know from my experience that Mega is a popular cloud storage and file hosting service among collectors of child pornography because data on its services is end-to-end encrypted. According to SA Smith, the forensic examination of the Android cellphone revealed that the user of this cellphone downloaded the Mega.nz application wherein numerous child pornography files were located. SA Smith located chat conversations between the user of the Android device and others wherein they exchange Mega links and based upon their conversations one can infer that they contain child pornography. Below is a portion of a January 30, 2020, conversation between the user of the Android device, "Ryan J," and "G G" via telegram wherein they exchange Mega links:

G G: A4A?

Ryan J: Hey bro

G G: What do you perv on?

Ryan J: Love young boys. And family fun

G G: You okay with Your yng

Ryan J: My boy is 9 and a half

G G: You play with your Boi

Ryan J: On yeah

Ryan J: Any good young fun out there?

G G: My boy

G G: You have vids or links

Ryan J: Yeah I do. I need to make links

G G: What's your fav ages

Ryan J: 6-14

Ryan J: https://mega.nz/#F!g5k2EKaQ!sGHL_B_Z0vhpuwGSDeMVXw

Ryan J: I really should make some

G G: <https://mega.nz/#!N0BE1CTY!XzjoxvVAJ9QutBskoFD50A>

G G: <https://mega.nz/fm/hvBxII6L#F!QzZkgQ4C!1rx1AXP0EcOABwNecH5A1Q!dml>

G G: But don't make it on your iphone or anything that has wireless service like a cell phone

G G: What I did was made it on my other phone and I didn't have service on it and then I transferred it to a USB

Ryan J: Mmm that's very smart

Ryan J: I'm very smart with megas too. I only look at them using a VPN

G G: Yeah I'm on a vpn now

During the above conversation between “Ryan J” and “G G,” 25 files of child pornography were synched to the Mega.nz application recovered from the Android phone.

16. SA Smith also recovered images of who he believed were DEROSIER’s nephews from several of the devices seized from DEROSIER’s residence. One such image created on April 22, 2020, depicts a naked prepubescent boy in DEROSIER’s shower. The image is of the boy’s backside and buttocks. I am familiar with the bathroom in DEROSIER’s residence because I participated in the execution of the search warrant of the residence on September 15, 2020. Another such image created on February 2, 2020, depicts a prepubescent boy in a locker-room changing. The image shows the boy’s penis. These images were created with a cellular phone that matches the same make and model cellular phone as the Android phone seized from DEROSIER’s person on September 15, 2020. In addition, SA Smith recovered images of who he believed was DEROSIER’s prepubescent-age nephew in an unidentified bathtub. These images were created on December 9, 2018, and July 22, 2019, with a cellular phone that matches the same make and model cellular phone as the Samsung Galaxy S6 seized from DEROSIER’s residence.

17. On November 18, 2020, Det. Freeman and I conducted an interview with Lori Olson. Olson is the mother of DEROSIER and grandmother of DEROSIER’s nephews; namely Juvenile 1 (7/13/10) and Juvenile 2 (12/10/13). Det. Freeman showed Olson three sanitized photos of naked young boys discovered on DEROSIER’s electronic devices. Olson identified Juvenile 1 in her mother’s (DEROSIER’s grandmother’s) bathtub. This is a different image than the image of the prepubescent boy taken in

DEROSIER's residence in Grand Fork, North Dakota. Olson also identified Juvenile 2 in what appears to be a pool locker-room. Olson recognized the scene of the pool locker-room to perhaps be the YMCA in Maple Grove, Minnesota. Olson did not recognize the child in the third photo.

18. On November 18, 2020, Det. Freeman and I conducted an interview with Staci Morgan. Morgan is the sister of DEROSIER and mother of Juvenile 1 and Juvenile 2. Det. Freeman showed Morgan 3 sanitized photos of naked young boys discovered on DEROSIER's electronic devices. Morgan identified Juvenile 1 in her grandmother's bathtub and Juvenile 2 in what appears to be a pool locker-room. Morgan did not recognize the child in the third photo. Morgan advised agents that in March of 2020 DEROSIER came to the Twin Cities area with his boyfriend Nicholas Beeche to visit family. On a Friday during the visit, Morgan allowed DEROSIER to take Juvenile 1 and Juvenile 2 to her grandmother's house in Champlin, Minnesota. On Saturday morning, Morgan learned DEROSIER had taken Juvenile 1 and Juvenile 2 to Grand Forks, North Dakota, without her permission. According to Morgan, DEROSIER kept Juvenile 1 and Juvenile 2 for approximately four days and brought Juvenile 1 and Juvenile 2 home on a Tuesday.

19. On September 15, 2021, SA Litzinger, SA Smith, AUSA Jennifer Puhl, and Paralegal Specialist Michelle Meyer interviewed Nicholas Beeche, who is DEROSIER's former employee and romantic partner. During this interview, Beeche explained that he met DEROSIER in Minneapolis via the Grindr application in November 2019. After they met in-person, DEROSIER invited Beeche to return to Grand Forks, North Dakota, with him. DEROSIER told Beeche that he owned a landscaping business and he offered

him a job. Beeche accepted the job and moved to North Dakota with DEROSIER. On two occasions, Beeche accompanied DEROSIER from Grand Forks, North Dakota, to Minneapolis, Minnesota. On one occasion in 2020, he explained that they picked up DEROSIER's nephews at DEROSIER's sister's house in the metro area and they brought the boys back to Grand Forks. According to Beeche, the boys slept with DEROSIER in his bedroom.

20. On July 1, 2020, and December 17, 2020, Juvenile 1 and Juvenile 2 were forensically interviewed and neither boy disclosed any sexual abuse. I witnessed the forensic interviews that took place on December 17, 2020. When asked questions about DEROSIER, Juvenile 1 pulled his stocking cap over his head and sobbed.

21. All of the images and videos of child pornography recovered from the devices seized from DEROSIER's residence were sent to the National Center for Missing and Exploited Children (NCMEC) to be compared against a database of known victims. According to NCMEC, numerous files depicted known or identified children.

22. All of the above-mentioned devices seized from DEROSIER's residence that contain child pornography were manufactured outside of North Dakota.

CONCLUSION

23. Based upon the above facts and circumstances, I believe there is sufficient probable cause to charge Nicholas DEROSIER with a violation of 18 U.S.C.

§§ 2252A(a)(5)(B) (Possession of Child Pornography); 2252A(a)(2) (Receipt and Distribution of Child Pornography); and 2423(b) (Travel With Intent to Engage in Illicit Sexual Conduct).

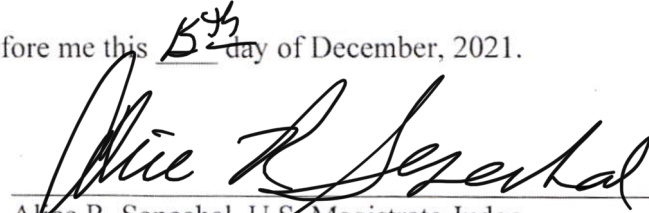
Further, your affiant saith not.

Dated: 12/15/21



Daniel M. Casetta
Special Agent, Homeland Security Investigations

~~SUBSCRIBED AND~~ SWORN to before me this 15th day of December, 2021.



Alice R. Senechal, U.S. Magistrate Judge
UNITED STATES DISTRICT COURT
DISTRICT OF NORTH DAKOTA